

April 17, 2009

AGENDA
ILLINOIS CIVIL SERVICE COMMISSION
April 17, 2009

I. OPENING OF MEETING AT 11:00 A.M. AT 160 NORTH LASALLE STREET,
SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD MARCH 20, 2009

**WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR
MEETING HELD MARCH 20, 2009?**

IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

A. Report on Exempt Positions

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging	163.....	9
Agriculture	438.....	17
Arts Council.....	21.....	2
Capitol Development Board	42.....	0
Central Management Services	1,489.....	110
Children and Family Services	3,142.....	49
Civil Service Commission	4.....	0
Commerce & Economic Opportunity	412.....	68
Commerce Commission.....	72.....	0
Corrections.....	11,623.....	116
Criminal Justice Authority	56.....	6
Deaf and Hard of Hearing Comm.	7.....	1
Developmental Disabilities Council	11.....	1
Emergency Management Agency	94.....	6
Employment Security.....	1,795.....	25
Environmental Protection Agency	966.....	19
Financial & Professional Regulation	740.....	49
Guardianship and Advocacy	106.....	8
Healthcare and Family Services.....	2,450.....	29
Historic Preservation Agency	193.....	12
Human Rights Commission	15.....	2
Human Rights Department	145.....	10
Human Services	14,260.....	77
Investment Board.....	3.....	2
Juvenile Justice	1,181.....	20
Labor.....	80.....	7
Labor Relations Board Educational	12.....	2
Labor Relations Board State	19.....	2
Law Enforcement Training & Standards Bd.....	19.....	1
Medical District Commission	2.....	0
Military Affairs	124.....	3
Natural Resources	1,302.....	24
Pollution Control Board.....	19.....	2
Prisoner Review Board	20.....	0
Property Tax Appeal Board	21.....	1
Public Health.....	1,134.....	45
Revenue	2,114.....	70
State Fire Marshal	146.....	13
State Police	1,406.....	6
State Police Merit Board.....	6.....	1
State Retirement Systems	81.....	2
Transportation	3,346.....	0
Veterans' Affairs.....	1,139.....	7
Workers' Compensation Commission	166.....	10
TOTALS	50,584.....	834

B. Governing Rule – Jurisdiction B Exemptions

- a) Before a position shall qualify for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the position shall be directly responsible to:
 1. The Governor, or
 2. A departmental director or assistant director appointed by the Governor, or
 3. A board or commission appointed by the Governor, or
 4. The head of an agency created by Executive Order, or the director or assistant director of an agency carrying out statutory powers, whose offices are created by the Governor subject to legislative veto under Article V, Section 11, of the Constitution of 1970, which agency head, director, or assistant director may themselves be subject to exemption under Section 4d(3), or
 5. In an agency having a statutory assistant director, a deputy director exercising full line authority under the director for all operating entities of the agency, provided the statutory role of assistant director is vacant or is assigned clearly distinct and separate duties from the deputy director and as a colleague to him, or
 6. A line position organizationally located between the director and/or assistant director and a subordinate statutorily exempt position(s), provided the position proposed for exemption has line authority over the statutory exempt position(s), or
 7. The elected head of an independent agency in the executive, legislative, or judicial branch of government.
- b) If a position meets the above criterion, it must, in addition, be responsible for one or more of the following before it shall be approved as exempt:
 1. Directs programs defined by statute and/or departmental, board, or commission policy or possess significant authority when acting in the capacity of a director of programs to bind the agency.
 2. Makes decisions in exercising principal responsibility for the determination or execution of policy which fix objectives or state the principles to control action toward operating objectives of one or more divisions, such decisions being subject to review or reversal only by the director, assistant director, board, or commission.
 3. Participates in the planning and programming of departmental, board, or commission activities, integrating the plans and projections of related divisions, and the scheduling of projected work programs of those agencies.

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C. Illinois Dept. of Commerce and Economic Opportunity – Proposed Exemption

Position Number	40070-42-00-000-30-01
Position Title	Senior Public Service Administrator
Bureau/Division	Director's Office
Functional Title	Federal Legislation Administrator
Incumbent	Vacant
Supervisor	Director
Location	Sangamon County

CMS Recommendation: “The position meets the reporting criteria of the Commission Rules and considering the similarity of this position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

D1. Illinois Department of Central Management Services – Proposed Exemption

Position Number	40070-37-03-000-50-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of Internal Audit
Functional Title	Federal Stimulus Administrator (Sangamon County Zone 1)
Incumbent	Vacant
Supervisor	Chief Internal Auditor, who reports to the Director
Location	Sangamon County

D2. Illinois Department of Central Management Services – Proposed Exemption

Position Number	40070-37-03-000-50-02
Position Title	Senior Public Service Administrator
Bureau/Division	Office of Internal Audit
Functional Title	Federal Stimulus Administrator (Sangamon County Zone 2)
Incumbent	Vacant
Supervisor	Chief Internal Auditor, who reports to the Director
Location	Sangamon County

D3. Illinois Department of Central Management Services – Proposed Exemption

Position Number	40070-37-03-000-50-03
Position Title	Senior Public Service Administrator
Bureau/Division	Office of Internal Audit
Functional Title	Federal Stimulus Administrator (Sangamon County Zone 3)
Incumbent	Vacant
Supervisor	Chief Internal Auditor, who reports to the Director
Location	Sangamon County

D4. Illinois Department of Central Management Services – Proposed Exemption

Position Number	40070-37-03-000-50-04
Position Title	Senior Public Service Administrator
Bureau/Division	Office of Internal Audit
Functional Title	Federal Stimulus Administrator (Sangamon County Zone 4)
Incumbent	Vacant
Supervisor	Chief Internal Auditor, who reports to the Director
Location	Sangamon County

D5. Illinois Department of Central Management Services – Proposed Exemption

Position Number	40070-37-03-000-50-05
Position Title	Senior Public Service Administrator
Bureau/Division	Office of Internal Audit
Functional Title	Federal Stimulus Administrator (Sangamon County Zone 5)
Incumbent	Vacant
Supervisor	Chief Internal Auditor, who reports to the Director
Location	Sangamon County

D6. Illinois Department of Central Management Services – Proposed Exemption

Position Number	40070-37-03-000-50-06
Position Title	Senior Public Service Administrator
Bureau/Division	Office of Internal Audit
Functional Title	Federal Stimulus Administrator (Cook County Zone 1)
Incumbent	Vacant
Supervisor	Chief Internal Auditor, who reports to the Director
Location	Cook County

D7. Illinois Department of Central Management Services – Proposed Exemption

Position Number	40070-37-03-000-50-07
Position Title	Senior Public Service Administrator
Bureau/Division	Office of Internal Audit
Functional Title	Federal Stimulus Administrator (Cook County Zone 2)
Incumbent	Vacant
Supervisor	Chief Internal Auditor, who reports to the Director
Location	Cook County

D8. Illinois Department of Central Management Services – Proposed Exemption

Position Number	40070-37-03-000-50-08
Position Title	Senior Public Service Administrator
Bureau/Division	Office of Internal Audit
Functional Title	Federal Stimulus Administrator (Cook County Zone 3)
Incumbent	Vacant
Supervisor	Chief Internal Auditor, who reports to the Director
Location	Cook County

D9. Illinois Department of Central Management Services – Proposed Exemption

Position Number	40070-37-03-000-50-09
Position Title	Senior Public Service Administrator
Bureau/Division	Office of Internal Audit
Functional Title	Federal Stimulus Administrator (Cook County Zone 4)
Incumbent	Vacant
Supervisor	Chief Internal Auditor, who reports to the Director
Location	Cook County

CMS Recommendation: “These positions do meet the reporting criteria of the Commission Rules and considering the similarities of the requested positions with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

WILL THE COMMISSION GRANT THE REQUEST FOR EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITIONS?

- C: Federal Legislation Administrator (CEO)**
- D1: Federal Stimulus Administrator (CMS-Sangamon County, Zone 1)**
- D2: Federal Stimulus Administrator (CMS-Sangamon County, Zone 2)**
- D3: Federal Stimulus Administrator (CMS-Sangamon County, Zone 3)**
- D4: Federal Stimulus Administrator (CMS-Sangamon County, Zone 4)**
- D5: Federal Stimulus Administrator (CMS-Sangamon County, Zone 5)**
- D6: Federal Stimulus Administrator (CMS-Cook County, Zone 1)**
- D7: Federal Stimulus Administrator (CMS-Cook County, Zone 2)**
- D8: Federal Stimulus Administrator (CMS-Cook County, Zone 3)**
- D9: Federal Stimulus Administrator (CMS-Cook County, Zone 4)**

V. CLASS SPECIFICATIONS

The following class titles were submitted for revision by the Director of Central Management Services:

Position Titles:

- A. Corrections Industry Lead Worker (revise)
- B. Corrections Industry Supervisor (revise)

Classification Analysis: “In the past, the Department of Corrections’ operations producing food products have been managed by the Corrections Agricultural Supervisors and all other corrections industry operations have been managed by the Corrections Industry Supervisor. The Department of Corrections views the duties performed by the Corrections Agricultural Supervisor and Corrections Industry Supervisor as being basically equivalent in nature. They maintain that even though the Corrections Agricultural Supervisors are handling food products, they supervise inmates who are working with specialized food processing equipment and are subject to daily inspections from the Department of Agriculture. They feel that these operations have developed over the years into big business and no longer fit the category of a farm. They further believe that the Corrections Agricultural Supervisors should be reclassified to the Corrections Industry Supervisor class; CMS concurs with this recommendation. The Corrections Agricultural Supervisor class is herein recommended for merger into the Corrections Industry Supervisor class. Similarly, the duties of the Corrections Agricultural Lead Worker and Corrections Industry Lead Worker are very similar and it is recommended to be combined into the revised Corrections Industry Lead Worker class.”

WILL THE COMMISSION APPROVE THE REVISION OF THE FOLLOWING CLASS TITLES TO BE EFFECTIVE MAY 1, 2009?

- A: Corrections Industry Lead Worker
- B: Corrections Industry Supervisor

WILL THE COMMISSION DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION STAFF NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY?

VI. MOTION TO GO INTO EXECUTIVE SESSION

PURSUANT TO SUBSECTIONS 2I(1), 2I(4), AND 2I(11) OF THE OPEN MEETINGS ACT, WILL THE COMMISSION HOLD AN EXECUTIVE SESSION TO CONSIDER APPEALS FILED WITH THE COMMISSION, LITIGATION, AND/OR SPECIFIED EMPLOYMENT MATTERS?

VII. RECONVENE MEETING

VIII. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code; however, they do present a possible evasion of merit principles and should be monitored. Set forth below is the number of consecutive non-merit appointments made by each department. These statistics are from the Department of Central Management Services' Consecutive Non-Merit Appointment Reports.

Agency	2/28/09	3/31/09	3/31/08
Aging	0	1	0
Agriculture	0	1	2
Arts Council	0	0	1
Central Management Services	1	2	3
Children and Family Services	4	4	4
Commerce and Economic Opportunity	0	1	0
Criminal Justice Authority	1	1	0
Employment Security	3	2	0
Financial and Professional Regulation	0	0	1
Healthcare and Family Services	5	9	15
Human Services	0	0	6
Natural Resources	1	0	1
State Police	0	0	1
Transportation	17	5	53
Veteran's Affairs	0	1	0
Workers' Compensation Commission	1	1	0
Totals	33	28	87

IX. INTERLOCUTORY APPEALS

DA-11-09

Employee	Jennifer L. Gordon	Appeal Date	9/17/09
Agency	DHS	Decision Date	4/01/09
Type	Discharge	ALJ	Andrew Barris
Issue	Motion to Dismiss for no jurisdiction; employee was trainee at time of discharge	Recommended Decision	Grant Motion to Dismiss.

DOES THE COMMISSION AFFIRM AND ADOPT THE RECOMMENDED DECISION TO GRANT THE MOTION TO DISMISS IN THE ABOVE MATTER?

DA-25-09

Employee	Pamela Harris	Appeal Date	12/29/09
Agency	DOC	Decision Date	04/01/09
Type	Discharge	ALJ	Daniel Stralka
Issue	Motion to Dismiss for no jurisdiction; employee was in a 4d(3) exempt position at time of discharge	Recommended Decision	Grant Motion to Dismiss.

DOES THE COMMISSION AFFIRM AND ADOPT THE RECOMMENDED DECISION TO GRANT THE MOTION TO DISMISS IN THE ABOVE MATTER?

X. PUBLICLY ANNOUNCED DECISION RESULTING FROM APPEAL

• **DISCHARGE**

DA-23-09

Employee	George W. Jones	Appeal Date	12/12/08
Agency	FPR	Decision Date	04/03/09
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Failure to submit time off slips for 4 days; falsification of timekeeping records	Recommended Decision	Charges are proven and warrant discharge.

DOES THE COMMISSION AFFIRM AND ADOPT THE RECOMMENDED DECISION IN THE ABOVE MATTER?

April 17, 2009

XI. REPORT ON THE TREATMENT OF PRIOR DISCIPLINARY INCIDENTS WHICH ARE THE SUBJECT OF PENDING GRIEVANCES (Will be continued until May meeting.)

XII. STAFF REPORT

XIII. ANNOUNCEMENT OF NEXT MEETING

The next regular meeting is to be held on Friday, May 15, 2009 at 1:00 p.m. in the Commission's Springfield office.

XIV. MOTION TO ADJOURN